

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Servants – Allegations of certain irregularities committed in tampering of records and misappropriation of Municipal funds against Sri M.A.Aleem, former Manager(Retd), Palvancha Municipality – Departmental action initiated Enquiry conducted – Further action dropped in terms of A.P. High Court Orders – Orders – Issued.

MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT(VIG.IV.1)DEPARTMENT

G.O.Rt.No. 1377

Dated:28-10-2011

Read the following:

1. G.O.Rt.No.1247, MA & UD(Vig.IV.1)Dept., dated 15.9.2003
2. Representation of Sri M.A.Aleem, former Manager, dated 10-10-2003.
3. Govt. Memo No.2902/Vig.IV.1/2001-7, dated 3.3.2005.
4. Hon'ble APAT orders dt. 02.12.2008 in O.A.No.2870/2005
5. Hon'ble APHC Interim orders, dated: 6-7-2009 in W.P.M.P. No.17248/2009 in W.P.No.13284/2009.
6. From Sri K.Shiva Prasad, Inquiry Authority-cum-Additional Director of Municipal Administration, Hyderabad, Lr.Roc.No. 1/2007/ KSP-Palvancha), Dated 8.4.2009.
7. Govt.Memo.No.2902/Vig.IV.1/2001-20, dated:23-07-2009.
8. Hon'ble APHC Orders dated: 8-9-2010 in WP No.13284/2009
9. From Sri M.A.Aleem Municipal Commissioner (Retd.) written representation, dated 29.3.2011
- 10.Hon'ble Supreme Court of India, New Delhi. Orders in SLP in CC. No. 10809/2011, dated: 11-7-2011.

ORDER:

Whereas, in the reference 1st read above, disciplinary action has been initiated against Sri M.A.Aleem, former Manager, Palvancha Municipality for the irregularities in tampering of records and misappropriation of Municipal funds while he was working in the Palvancha Municipality.

2. Whereas in the reference 2nd read above, Sri M.A.Aleem, former Manager, Palvancha Municipality has submitted his written statement of defense to the Article of Charges framed against him.

3. Whereas, in the reference 3rd read above, the Government having not satisfied with the explanation submitted by Sri M.A.Aleem, the then Manager along with others, appointed Sri K. Shiva Prasad, Additional Director of MA, Office of the Commissioner and Director of Municipal Administration, Hyderabad as Inquiry Authority to conduct common enquiry against the Charged Officers.

4. Whereas, Sri M.A.Aleem, Municipal Commissioner (Retd.) has filed O.A.No.2870/2005 in the Hon'ble A.P. Administrative Tribunal, Hyderabad, against the delay in concluding the enquiry and requested to release of pensionary benefits due to him. The Hon'ble APAT in its order dt. 2.12.2008 in O.A.No.2870/2005 observed that the charges were issued in the year 2003 for the incident, which was occurred, during the year 1995-1999 and the respondents have not yet concluded the disciplinary proceedings. Following the law held by the Appex Court in the aforesaid case, the impugned orders are quashed and respondents are directed to release the pensionary benefits to the applicants forthwith.

5. Whereas, after examining the matter, Government filed W.P. in the High Court of Andhra Pradesh, against the Hon'ble A.P. Administrative Tribunal orders in the reference 4th read above. The Hon'ble AP High Court in its interim order dated 6.7.2009 in W.P.M.P.No.17248/2009 in W.P.No.13284/2009, has issued interim suspension as prayed for'.

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6. Whereas, the Enquiry Officer after conducted enquiry has submitted his Enquiry Report, wherein he held that the charges framed against him are proved. A copy of the Enquiry Report has been communicated to the Charged Officer for submission of his written representation to the findings of the Enquiry Officer.

7. In the mean time, the Hon'ble A.P. High Court in its orders 7th read above, has disposed of the case as follows:

" There is no dispute about the aforesaid facts and also the well established principles. Further, there is no justification of whatsoever nature in keeping the entire proceedings pending and the allusion that, necessarily the employee and the same cannot be postponed forever and ever. The respondent- applicant was retired on 31-10-2004 and the question as to whether such proceedings can be continued thereafter also may arise. We are in the entire agreement with the reasoning given by the tribunal following the principles laid down by the Apex Court and hence, there are no merits in the Writ Petition. Accordingly, the Writ Petition is dismissed"

8. Whereas, in the reference 9th read above, Sri M.A.Aleem, Municipal Commissioner (Retd.) has submitted a representation on the findings of the E.O. and also requested to release the pensionary benefits as ordered by the Hon'ble AP High Court in W.P.No.13284/2009.

9. Whereas, on the filing the Special Leave Petition (SLP) by Government, the Hon'ble Supreme Court of India, New Delhi, in its orders 10th read above have dismissed the SLP on the grounds of delay as also on merits.

10. After careful examination of the entire issue, Government have decided to implement the Hon'ble High Court of Andhra Pradesh Orders in W.P.No. 13284/2009 dated: 8.9.2010 and to drop further action in this disciplinary case duly releasing the Pensionary benefits due to him. Accordingly, Government hereby drop further action against Sri M.A.Aleem, Municipal Commissioner (Retd.) formerly at Palvancha Municipality in this case, duly releasing the Pensionary benefits due to him as per the Orders of the Hon'ble Courts / Tribunal mentioned above.

11. The Director of Municipal Administration, Hyderabad shall take necessary action in the matter immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**B.SAM BOB
PRINCIPAL SECRETARY TO GOVERNMENT**

To

Sri M.A.Aleem, former Manager, Palvancha Municipality
through Director of Municipal Administration, Hyderabad

Copy to:

The Director of Municipal Administration, A.P. Hyderabad

The Director General, Anti Corruption Bureau, Hyderabad.

The Secretary to A.P. Public Service Commission, Hyderabad

The Secretary to Vigilance Commissioner,

A.P. Vigilance Commission., Hyderabad.

The Accountant General, A.P. Hyderabad.

The P.S. to M(MA).

SF/SCs

//FORWARDED// BY ORDER//

SECTION OFFICER